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them) and since in any case the thing being compared in Moriarty et al., whatever it is interpreted to be, is not part of the self-modifying code that subsequently is exchanged per Claim 1, the rejections are overcome for this reason.

Additionally, it follows that the relied-upon portion of Moriarty et al. fails to teach or suggest that in the event that the semaphore is free, the first instruction in the defined block of self-modifying code is exchanged with a self-loop instruction, much less that in the event the semaphore is busy, anything, much less execution to the first instruction, is returned. The rejections are overcome for this reason.

Moreover, the allegation is incorrect that Moriarty et al., col. 5, line 58-col. 6, line 23 and col. 7, lines 52-68 teach defining code to permit the remainder of the helper code to be executed to carry out modifications in the defined block of self-modifying code, including as a last step an atomic store to replace the self-loop instruction with a modified instruction. In other words, the relied-upon portion of Moriarty et al. does not teach replacing the relied-upon "self-loop instruction" of col. 6, lines 34-54 (page 3, line 9 of Office Action) with anything, much less with a modified instruction as recited in Claim 1. Instead, the relied-upon portion of Moriarty et al. simply teaches the previous "lock" method that Moriarty et al. seeks to avoid with its binary semaphore test. The rejections for this reason are overcome.

Still further, it is admitted that Moriarty et al. fails to teach comparing a lock value with a first instruction in the defined block of self-modifying code, but brushes this limitation off as being "well known" without, however, producing a scintilla of evidence in support. In essence, the examiner is alleging that a technically particular and specifically defined element in an esoteric field is "well known" without any proof. That strains good faith examination. It is also illegal, because the range of sources available for a prior art suggestion to arrive at a claimed invention does not diminish the requirement for actual evidence, and "broad

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conclusory statements regarding the teaching of multiple references, standing alone, are not evidence", In re Dembiczak, 175 F.3D 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999). The rejections for this reason are overcome.

As if all of the above weren't enough, the entire point of Moriarty et al. is to avoid the use of a bus locking signal, see abstract and col. 5, lines 13-16. How then can the examiner seriously contend that anything in Moriarty et al. approaches "defining an atomic compare and exchange instruction in the locking mechanism" or "carrying out a comparison of an unreserved lock value" as otherwise recited in most of the independent claims?

More for completeness than anything since the *prima facie* case has been pretty much obliterated already, the limitations of independent Claim 20, which differ substantially from those of other independent claims, have not been separately treated, meaning that no *prima facie* case whatsoever has been made against Claim 20.

Continuing the spirit of completeness, several dependent claim limitations have been improperly rejected, including, e.g., the limitation of Claim 5 regarding defining an instruction to be illegal on the basis of the binary "busy" test of Moriarty et al. A busy test is just that. Just because the semaphore might be busy does not mean that an instruction has thereby been defined to be "illegal". Compliance with MPEP §2111.01 is requested.

The Form 1449 returned with the Office Action was not initialed. Please return an initialed Form 1449.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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